



MINUTEMAN REPEATER ASSOCIATION

P. O. Box 2282

Lexington, Mass. 02173

May 2, 1995

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of RM-8626, concerning a petition by Fred Maia, W5YI.

This comment concerns RM 8626, the file number assigned to the petition submitted to the Commission by Fred Maia, W5YI, relating to the prohibition of one-way broadcasts in the Amateur Radio Service. This comment is in opposition to that petition.

Mr. Fred Maia, W5YI, has proposed elimination of one-way broadcasts from the Amateur Radio Service. As the President of the Minuteman Repeater Association (MMRA), I am writing to comment on his petition. The MMRA is an ARRL affiliated Amateur Radio club with a membership of about 400 Amateurs in Massachusetts. We operate 10 VHF and UHF repeater systems, covering eastern Massachusetts. The MMRA has been in existence for 25 years, and has a well known history of support for emergency and public service communications. We believe that the petition, RM8626, requires our comment.

Elimination of one-way transmissions altogether in the Amateur Radio Service would not serve the best interests of the Radio Amateur community and would do more harm than good. Such a prohibition would severely limit the capacity of the Service to propagate information of value to its members.

The most deleterious effect would be the termination of bulletin broadcasts by the ARRL station, W1AW. These broadcasts contain information that is made more timely by the fact that its release is not delayed by waiting for publication dates. Bulletins on FCC actions, ARRL activities, propagation and satellite orbital characteristics are among those that would no longer be permitted. Thousands of Amateurs copy these bulletins in each of the modes they are transmitted in. The need for timeliness in key areas is obvious; for example, propagation forecasts can vary significantly enough to make current information critical to an Amateur seeking to find the best time for propagation to some area of the world.

A second area of loss is the fact that Amateur clubs nationwide use the radio medium to inform their members of club activities. These bulletins are sent in many ways, ranging from a person reading

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them over the air to automated voice synthesis over repeater systems. These bulletins contain information of importance to their audience.

In his petition, Mr. Maia makes the claim that the availability of both morse code practice computer software and bulletins through on-line services obviates the need for broadcasting them. Mr. Maia must be assuming that all those interested in such bulletins or code practice can afford both the expense of amateur radio equipment and computing systems. Should someone not fall into that category, he would have to wait for publication of information that could well be out of date by the time he sees it.

Eliminating code practice transmissions would require people who want code proficiency to spend money to get that proficiency. The ability to learn code by listening to W1AW has become a tradition that should not be thrown away; its value in presenting practice in an environment such as a ham will find in live operation is obvious. Individual Amateur clubs also broadcast code practice; so long as the Commission agrees that code proficiency has value to the Amateur Radio Service, such broadcasts should be allowed.

Mr. Maia's statement that the rule allowing one-way transmissions is "...a very permissive category and taken in its broadest context, permits just about anything to be transmitted that is even remotely associated with the Amateur Service..." is in effect true. One must then ask what is being done that takes advantage of this that has prompted Mr. Maia's petition.

A great deal of controversy has arisen concerning the broadcasts of what is essentially general news about Amateur Radio. At the center of that controversy is K1MAN, whose Amateur Radio news broadcasts have evoked significant negative reactions in the Amateur Community. If careful review of the content of those broadcasts were to reveal that they conform to the requirements for one-way broadcasts, then they should be allowed. The nature of the reaction to these broadcasts is in many cases a source of great disappointment to those Amateurs who believe in the concept of self-regulation and coherent reaction to problems.

One might interpret the looseness of the current rule as a desire on the part of the regulating authority to establish a guideline rather than a hard and fast rule for strict enforcement. One-way transmissions could be categorized in two major types: first, those that are intended to communicate something that the sender believes will have value to its audience, and second, those that are intended to interfere with other communications. The second category is clearly dealt with in the rules. For any communication in the first category there are several considerations.

First Amendment rights to freedom of speech make questionable the amount of control over the content of any transmission that can be exercised by the government. A broadcast which is sincerely intended to benefit someone and contains no material that could be considered generally offensive by community standards, such as pornography, would be protected under the First Amendment.

One must question the harm that is being done by a one-way transmission. Simply occupying a piece of spectrum is not harmful. If the content of the broadcast can be proven to harm individuals or groups, then it is probably actionable at the civil level and requires no ruling from the Commission.

In the spirit of the Constitution of the United States, it is safer to err on the side of permissiveness than prohibition. The Commission has already demonstrated its desire to follow this kind of policy in matters concerning the Amateur Radio and other services.

Finally, one must question the motive behind Mr. Maia's petition. At issue is the possibility that elimination of one-way broadcasts of Amateur Radio related information would enhance the commercial success of his publication. Certainly, in an environment where a lot of news items are contained in ARRL bulletins, those items would be "old news" by publication dates. One would hope that this is not the motive behind Mr. Maia's petition.

One of the unique aspects of the Amateur Radio Service is its ability to propagate information about itself. Individuals or organizations who do so as a free service to Amateurs should be encouraged in this activity; it is appropriate in a non-commercial radio service.

It is my belief, and the position of the Minuteman Repeater Association, that Mr. Maia's petition suggests regulation changes that would do far more harm than good.

A handwritten signature in cursive script that reads "A. L. Morrison".

A. L. Morrison, N1BHI
President